IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

WP(C).No. 22 of 2007(C)

PETITIONER:

PRIYANKA CHANDRAN (MINOR AGED 16 YEARS)
PLUTS TOW STUDENT XII-D, CHEMNAD JAMAATH HSS,
KASARGOD REPRESENTED BY HER MOTHER
SMT.SHYAMALA CHANDRAN, S.M.NIVAS,
THIRUVANKOLI, P.O.BEKKAL-671 318.

BY ADV. SMT.S.K.DEVI
SRI.K.P.PRADEEP (PAYYANNUR)

RESPONDENTS:

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1. R. SUNIL KUMAR, JOINT DIRECTOR
(IN CHARGE) HIGHER SECONDARY EDUCATION
(GENERAL CONVENOR, 10TH HIGHER SECONDARY STATE
YOUTH FESTIVAL) DIRECTORATE OF HIGH
SECONDARY EDUCATION, THIRUVANANTHAPURAM.

2. P. RAMACHANDRAN, PRINCIPAL,
GHSS PILICODE, (GENERAL CONVENOR,
ORGANISING COMMITTEE) 10TH KASARGOD DISTRICT
HIGHER SECONDARY YOUTH FESTIVAL) PILICODE P.O.,
KASARGODE.

3. CHAIRMAN, APPEAL COMMITTEE,
10TH KASARGOD DISTRICT HIGHER SECONDARY
YOUTH FESTIVAL, PILICODE P.O.,
KASARAGODE.

4. DIRECTOR, HIGHER SECONDARY
EDUCATION, THIRUVANANTHAPURAM.

BY G.P. SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. Koshy &
T.R. Ramachandran Nair JJ.
- - - - - - - - - - - - - -
W.P.(Crl).NO.22 & W.P.(C) NO. 2771 of 2007
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Dated this the 1st day of February, 2007

JUDGMENT

Koshy, J.

Writ Petition No.22/2007 is a petition for habeas corpus filed by the father of one Praveena stating that Praveena went a tailoring shop for studying tailoring and 6th respondent abducted her and she is under the illegal custody of 6th respondent. The 6th respondent and another filed Writ Petition No.2771/2007 alleging police harassment.

2. The alleged detenue is present. She has stated that she was not abducted and she is not under illegal custody. She further stated that she went on her own with the 6th respondent. Admittedly she passed the age of consent and hence it cannot be stated that 6th respondent has committed any offence and police shall not harass him. At the same time, as per school certificate her date of birth is only 24.5.1990. Learned counsel for the 6th respondent submitted that as per the medical records and the Corporation records, her date of birth is 24.8.1989. Even if that is accepted, she will attain majority only on 24.8.2007. Therefore, parent can have custody of her. The agreement executed before the Sub Registrar cannot be taken as a

marriage.

In the above circumstances, the father and mother of the detenue is given the custody of their daughter. The petitioner submits that he will not harass his daughter and her wishes also will be taken into account in future.

With the above observations, the writ petitions are disposed of.

(J. B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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